

REMARKS

Claims 1–20 are pending in the present application.

Claims 4 and 11 are allowed; claims 5–7 and 12–20 were withdrawn from consideration.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 103 (Obviousness)

Claims 1–3 and 8–10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0143547 to *Headings et al.* This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-128 (8th ed. rev. 2 May 2004). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

Independent claims 1 and 8 each recite holding a purchase transaction for processing during a subsequent period in response to determining that the remote purchase transaction should not be completed based upon a purchase limit for the current period. Such a feature is not found in the cited reference. *Headings et al* teaches crediting a first account (for the payee) while debiting a second account (for the payor), and suspending the credit to the first account if the debit to the second account cannot be posted (i.e., the transaction is not approved). Nothing in *Headings et al* suggests that “suspending” a transaction (requiring manual limit override and/or authorization, for instance) could include the alternative of holding the transaction until a subsequent period, to be processed after a period-based limit is reset at the start of the subsequent period.

Therefore, the rejection of claims 1–3 and 8–10 under 35 U.S.C. § 103 has been overcome.

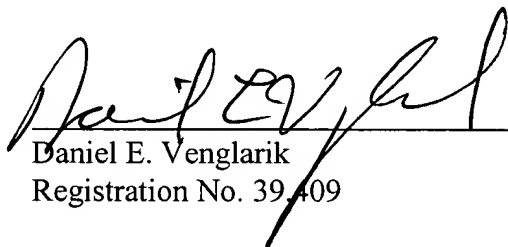
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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